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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

LOT9 1999 0047 US1

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on 10 Feb 2007

Signature Judith Anne Beckstrand

Typed or printed name JUDITH ANNE BECKSTRAND

Application Number

09/473,098

Filed

28 Dec 1999

First Named Inventor

Julio Estrada

Art Unit

2143

Examiner

Kyung H. Shin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 24,886

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Shelley M Beckstrand
Signature

Shelley M Beckstrand
Typed or printed name

276-238-1972

Telephone number

9 Feb 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicant : J. Estrada, et al.
Serial No. : 09/473,098
Filed : 28 Dec 1999
Group No. : 2132
Examiner : Kyung H. Shin
For : System and Method for Independent Room Security
Management
Docket : LOT919990047US1

PRE-APPEAL BRIEF

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant traverses the rejection of the claims under 35 U.S.C. 103(a) over Salas et al (Salas, U.S. Patent 6,233,600) in view of Maurille (U.S. Patent 6,484,196) and further in view of Cutler et al. (U.S. Patent 5,129,083), and argues that the Examiner has not satisfied the burden for establishing a prima facie case of obviousness.

With reference to applicant's Figures 6, 10 and 11, applicant's invention is

directed to a collaboration space having a root place 201 and a plurality of additional places 202, 203, 204, 210 (these are subrooms, with each room and subroom being a place in collaboration space) linked by the double linked (forward 205, 209 and reverse 206, 207, 208, and 211 pointers) construct set forth in the claims, with access control on the root place, each subroom, and on the forward pointers (Fig. 11, readers field 214) between them which, in combination, support increased, decreased, and maintained (the same) access to the subroom as that allowed on a parent room, and that access at any level of authority to a subroom is enabled only for those authorized to access the root room, together with a third access control provided on forward pointers to control whether the link to a child room will be enabled in its parent room for a specific user. (Amendment dated 7/8/06, page 18.) This structure is described in applicant's specification at page 56, line 13 to page 57, line 1; page 57, lines 12-21; page 59, line 15 to page 60, line 1; page 5, lines 7-15; page 55, line 16 ff; and pages 48-50. (These references are collected in Amendment dated 10/21/05, pages 18-23.)

In order to find teachings in the art for this structure the Examiner selects (1) Salas from the collaborative workspace technology, (2) Cutler from the ACL security technology, and (3) Maurille from the hierarchical data structure technology.

Applicant traverses the application of Salas. As applicant explains in Amendment dated 7/8/06 page 16, line 25 to page 17, line 15, Salas does not teach a hierarchical arrangement of “rooms”, but rather a room (eRoom 24) which has a hierarchical arrangement of objects (pages 27, files 29, and database objects 28.) Several eRooms 22 are referenced in directory 22 from server database 20, but these are not arranged in a hierarchical structure.

Applicant traverses the application of Cutler. As applicant explains in page 17, line 4 to page 18, line 22 of Amendment dated 10/21/05, Cutler does not teach, inter alia, that access at any level of authority to a subroom is enabled only for those authorized to access the root room, together with a third access control (readers field) on the forward pointer to control whether the link to a child room will be enabled in its parent room for a specific user.

Applicant traverses the application of Maurille. While Maurille does teach forward and reverse pointers, as applicant explains at page 24 in Amendment dated 7/8/06, Maurille only refers to a data schema including users, not rooms in collaboration space. Further, applicants traverse the reading of Maurille on “whether a link to a child place will be enabled for a specific user in its corresponding parent place” (Claim 1, last clause.) There is no such teaching at Maurille columns 8 or 16.

With respect to the combination of these references, applicant traverses the motivations asserted by the Examiner.

First, referring to (1) collaborative workspace technology, (2) ACL security technology, and (3) hierarchical or tree data structure technology, the Examiner states:

“Any combination of these three technologies would have been obvious to one skilled in the art in 1999.” [Emphasis added. Office Action, 10/10/06, page 3.]

Applicant argues that to read these technologies on “any combination”, including applicants claims, requires impermissible hindsight using applicant’s own claim as a roadmap, and that is what the Examiner has done.

Second, the Examiner states the motivation to combine the Salas, Maurille, and Cutler references at page 10 of the Office Action. Applicant responds specifically with respect to Maurille that the stated motivation (“in order to optimize message processing and display capabilities”) is irrelevant to applicant’s claimed combination and would not motivate one of ordinary skill in the art in 1999 to combine these references to achieve applicant’s invention. Applicant’s claims are specific to access control on subrooms in a hierarchy of

rooms and subrooms within collaboration space, and not to message processing and display capabilities, and the Examiner provides no proper motivation for combining these references to achieve that result. Further, applicant responded to the asserted combination of these three references at page 23, line 11 to page 25, line 20 of Amendment dated 10/21/05, and at pages 22-23 of Amendment dated 7/8/06.

Applicant requests that the rejection of the claims be reconsidered and withdrawn.

Sincerely,

J. Estrada, et al.

By



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Reg. No. 24,886

Date: 10 Feb 2007

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